

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Lisa R. Lee,
Petitioner,

vs

UNITED STATES OF AMERICA,
Respondent.

) Criminal No. 1:10-CR-00345-RWS-LTW
) Motion For Preliminary Hearing
) Under Rule 12(i)
(Fed. R. Civ. P. 12(i))
Hearing Date: _____
Hearing Time: _____
Courtroom: _____

MOTION FOR PRELIMINARY HEARING
UNDER RULE 12(i)

RELIEF REQUESTED

Petitioner moves the court to exercise its discretion under Rule 12(i) of the Federal Rules of Civil Procedure and hold a preliminary hearing on the defendant's defense that this court lacks subject matter jurisdiction of this action regarding all counts in the "indictment".¹

GROUND FOR RELIEF

The grounds for the motion are that a resolution of this defense prior to trial will save both parties and the court considerable time and expense. The defense of lack of subject matter jurisdiction is one of the principal defenses asserted in this case. The facts related to this defense are set out in the prior pleadings and are undisputed. Resolution of this defense will serve the

¹ Fed. R. Civ. P. 12(i) gives trial courts complete discretion over the method and timetable for resolving any of the defenses that may be raised in a pleading or motion under Fed. R. Civ. P. 12(b). Whether and when to determine these types of defenses in advance of trial is one of the principal functions of pretrial conferences. See Fed. R. Civ. P. 16(c)(2)(A), (2)(N).

parties and the interest of justice regardless of the court's determination. If the court finds that it has subject matter jurisdiction, the most serious obstacle to a negotiated settlement of this matter will be removed. Even if the court rules that there is no subject matter jurisdiction over this claim, that ruling would spare both parties and the court the time and expense of extensive pretrial investigation and preparation on the complex factual issues of the merits of the case and provide the plaintiff with a final, appealable judgment on which it could seek immediate review.

MOVING PAPERS

This Motion is based on the pleadings and papers on file in this action, on this Motion, on the attached Notice of Motion, and on the attached supporting Statement of Evidence FRAP 10(c) and associated Affidavit [Docs 146 & 150].

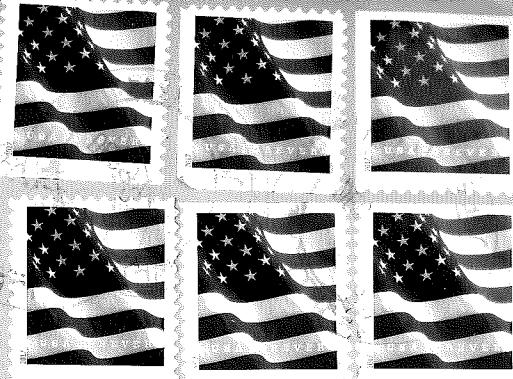
Dated: 12-14-17



Lisa R. Lee #55562-019
PRO SE REPRESENTATION
Without Prejudice UCC 1-308
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